

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

CLERK
SO. DIST. OF GA.

2014 SEP -4 PM 2:00

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

ROBERT CURTIS FINCH-GRANT,)

Plaintiff,)

v.)

Case No. CV614-066

LEE LANG,)

Defendant.)

ORDER

After a careful *de novo* review of the record in this case, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is adopted as the opinion of the Court.

Finch has overburdened this Court, and now exhausted its patience, with a never-ending stream of patently frivolous claims. Addressing his many nonsensical pleadings is impairing the Court's ability to adjudicate the legitimate claims of other litigants. It is time to rein in this out-of-control serial filer. As recommended by the Magistrate Judge, the

Court imposes the following restrictions upon Finch:

1. First, Finch is enjoined from attaching photographs of his anatomy to any future complaint or other filing without first seeking and obtaining the Court's express permission to submit such material.

2. As to any future civil actions sought to be commenced *in forma pauperis* ("IFP") by Finch, the Clerk shall receive the papers, open a single miscellaneous file for tracking purposes,¹ and forward the papers to the undersigned for a determination as to whether they present a claim with any arguable merit. Only if the pleading alleges a *plausible* claim for relief will the Court allow it to be filed. IFP complaints that fail to pass muster under 28 U.S.C. § 1915(e) will be dismissed *without any further judicial action* after 30 days from the date the complaint is received by the Clerk, unless the Court orders otherwise. This automatic dismissal of insubstantial claims "will reduce the burden of paper-moving and explanation-writing, conserving a little judicial time for litigants who deserve attention." *Alexander v. United States*, 121 F.3d 312, 315 (7th Cir. 1997) (Easterbrook, J.). Thus, although the Court will read and

¹ All future filings from Mr. Finch will be docketed under that miscellaneous case number, unless the Court orders otherwise as to any particular pleading.

consider any future complaint that Finch endeavors to file IFP, it will not necessarily enter an order addressing that complaint. If no order is forthcoming, then 30 days after the complaint's receipt the Clerk shall, without awaiting any further direction, notify Finch that his case has been dismissed without prejudice pursuant to 28 U.S.C. § 1915(e).²

3. The Clerk shall not docket any further motions or papers in a case automatically dismissed pursuant to this Order except for a notice of appeal. (Any papers other than a notice of appeal shall be returned to Finch unfiled.) If a notice of appeal is filed, the Clerk shall forward a copy of this Order, the notice of appeal, and the dismissed complaint to the Court of Appeals.

4. To ensure that all future Finch pleadings are properly consolidated for review, the Clerk shall personally advise each deputy clerk of this Order and develop a procedure for ensuring that all future Finch complaints are immediately assigned and forwarded to the presiding district judge in this case, regardless of which divisional clerk's office received and docketed the papers.


² Any cases dismissed in this manner may be resubmitted for filing *provided* Finch pays the filing fee. The Clerk shall use the attached Notice when communicating with Finch.

5. Finch may move to modify or rescind this Order no earlier than two years from the date of its entry.

6. This Order does not apply to any criminal case in which Finch is named as a defendant or to any *proper* application for a writ of habeas corpus.

7. A copy of this Order shall be forwarded to each judicial officer in this District.

SO ORDERED this 4 day of Sept, 2014.


B. AVANT EDENFIELD
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

IN RE: ROBERT CURTIS FINCH

)
)
)

Case No. MC6

14-1

NOTICE

TAKE NOTICE that the complaint that you filed *in forma pauperis* on _____ has been **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e) and this Court's Order of 9/4/14. The complaint, a copy of which is attached hereto, has been docketed in the captioned miscellaneous case file -- document number _____. No further action will be taken on the complaint. The complaint may be resubmitted for filing with the payment of the full filing fee.

SCOTT L. ROGER, Clerk

By: 

Date: 